



South Carolina Department of Health
and Environmental Control

Bureau of Water
2600 Bull St
Columbia SC 29201

Public Notice # FERC 516-459

Public Notice Date: September 27, 2010

NOTICE OF DEPARTMENT DECISION – WATER QUALITY CERTIFICATION

The Department, acting on an application for Water Quality Certification pursuant to Section 401 of the Federal Clean Water Act, has reached a proposed decision for the project described below:

SCE&G
Continued Operation of the Saluda Hydroelectric Project
Lake Murray, Lower Saluda River
Lexington, Newberry, Richland and Saluda Counties
FERC 516-459 (2009)

After reviewing the project plans, Department Staff determined that there is a reasonable assurance that the proposed project will be conducted in a manner consistent with the certification requirements of Section 401 of the Federal Clean Water Act. Accordingly, the Department proposes to certify the project with conditions as follows:

1. Minimum flow releases to the LSR, with adaptive management provisions, must be in accordance with CRSA Appendix A-11 (Project Flow Release Program).
2. SCE&G must develop in consultation with SCDHEC, an Operation and Compliance monitoring Plan (OCMP) as conditioned in any FERC License issued for the Project. The plan must address methods to monitor and comply with required minimum flows established in the CRSA Appendix A-11 (Project Flow Release Program).
3. SCE&G must meet the D.O. standard in the LSR under all operating levels and conditions by implementing the turbine upgrade schedule in CRSA Appendix A Section 4.1. If the proposed unit upgrades do not support the SCDHEC LSR site specific DO standard, SCE&G must meet with SCDHEC and CRSA signatories within one year after the final unit upgrade, and completion of performance testing, to develop a plan to assure future support the standard.
4. During periods of normal inflow, the project must be operated in accordance with the proposed Normal Reservoir Operating Guidelines (CRSA Appendix A-14) except for provisions in Condition 5.
5. Lake Murray drawdowns to address lake water quality and other factors must be conducted, with adaptive management provisions, in accordance with the Reservoir Drawdown Program (CRSA Appendix A-12).
6. SCE&G must implement the Rare, Threatened and Endangered Species Management Program (CRSA Appendix A-9) and the Sturgeon Protection and Adaptive Management Program (CRSA

Appendix A-6) and any modifications to these Programs contained in the FERC license under ESA consultation requirements.

7. During periods of low inflow, the project must be operated in accordance with the proposed Maintenance, Emergency, and Low Inflow Protocol (CRSA Appendix A-13).

8. To support and enhance aquatic communities in the project area, SCE&G must implement the Trout Evaluation and Monitoring Program (CRSA Appendix A-7), Freshwater Mussel Enhancement Program (CRSA Appendix A-4), LSR Benthic Macroinvertebrate Monitoring and Enhancement Program (CRSA Appendix A-3), Lower Saluda River Fish Community Monitoring Program (CRSA Appendix A-8) and any modifications to the Programs recommended by the FERC.

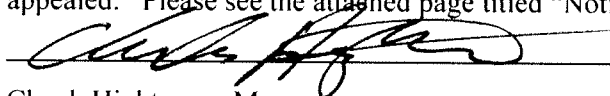
9. SCE&G must continue to participate as provisioned by the terms of the Santee River Basin Accord for Diadromous Fish Protection, Restoration, and Enhancement (CRSA Appendix A-5).

If the SC Department of Health and Environmental Control determines State Water Quality Standards are being contravened in the immediate vicinity of the project site, the applicant must take action to determine the cause of the violations and rectify the situation.

The staff assessment supporting the proposed decision can be found on the web at: <http://www.scdhec.gov/environment/water/salferc401.htm>. A hard copy is available upon request. A copy of the application submitted by the applicant is also available on the above website or is available for review in the office of the Division of Water Quality, Bureau of Water. Additional information about the technical aspects of this application is available from Mark A Giffin, the project manager, at 803-898-4179.

The final 401 Water Quality Certification will be issued unless there is a timely request for review of the Proposed Decision based on water quality or water use impacts.

The issuance of this Notice of Department Decision represents a final staff decision that may be appealed. Please see the attached page titled "Notice of Appeal Procedure" for details.

A handwritten signature in black ink, appearing to read "Chuck Hightower", is written over a horizontal line.

Chuck Hightower, Manager
Water Quality Certification
and Wetlands Section

Notice of Appeal Procedure
Pursuant to S.C. Code Section 44-1-60

1. This decision of the S.C. Department of Health and Environmental Control (Department) becomes the final agency decision 15 calendar days after notice of the decision has been mailed to the applicant or respondent, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with the Department by the applicant, permittee, licensee, or affected person.
2. An applicant, permittee, licensee, or affected person who wishes to appeal this decision must file a timely written request for final review with the Clerk of the Board at the following address or by facsimile at 803-898-3393. A filing fee in the amount of \$100 made payable to SC DHEC must also be received by the Clerk within the time allowed for filing a request for final review. However, if a request for final review is filed by facsimile, the filing fee may be mailed to the Clerk of the Board if the envelope is postmarked within the time allowed for filing a request for final review.

Clerk of the Board
SC DHEC
2600 Bull Street
Columbia, SC 29201
3. In order to be timely, a request for final review must be received by the Clerk of the Board within 15 calendar days after notice of the decision has been mailed to the applicant or respondent. If the 15th day occurs on a weekend or State holiday, the request is due to be received by the Clerk of the Board on the next working day. The request for final review must be received by the Clerk of the Board by 5:00 p.m. on the date it is due. A request for final review will be returned to the requestor if the filing fee is not received on time as described above.
4. The request for final review should include the following:
 - a. the grounds on which the Department's decision is challenged and the specific changes sought in the decision
 - b. a statement of any significant issues or factors the Board should consider in deciding whether to conduct a final review conference
 - c. a copy of the Department's decision for which review is requested
5. If a timely request for final review is filed with the Clerk of the Board, the Clerk will provide additional information regarding procedures. If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within 30 calendar days after notice is mailed that the Board declined to hold a final review conference.

The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.